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Scott. 11-27—58,000—27-10-47.

(194) Department.

SERIES.

G.O. NO. 2004

Dated

[Despatch Abstract.]

.51

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
...C.C.493-G.1/48 Dated 22--7--1948

Municipal Council, Bellary - Sri P.N.Somasekhara Sastry - Kanarese Pandit, Municipal High School, Bellary - Retention in service after superannuation.

Ref: Letters ...C.No.C.1-1026/48 dated 26-2-48 and 1-4-48 from the Commissioner, Municipal Council, Bellary.

Copies submitted.

2. The retention in service of Sri P.N.Somasekhara Sastry from 13-3-48 the date when he retired from service upto sixty years of age as per clause (8) of the agreement entered into between the pandit and the local body in 1931 according to the provisions of G.O.No.5604 L & M dated 11-12-29 should be deemed to be in contravention of the Statutory orders in Rule 14 of the Establishment Rules of the Municipal Councils and Local Boards as agreements entered into between teaching staff and the local bodies according the above G.O. cease to be in force after the statutory rules in respect of officers and servants under local bodies were issued in G.O.No.2342 L.S.G. dated 2-6-36.

3. In the circumstances stated above the continuance of the Pandit can be viewed only as one of reemployment. The Commissioner may therefore be asked to dispense with his services immediately and to apply to Government for ratification of his action in having retained him in service beyond the date of his retirement and to address the Government for sanction of his re-employment for the current school year only if no qualified hands are available for employment even after advertising the vacancy which he has not done so far.

for Director of Public Instruction.

To
The Secretary to Government,
Education and Public Health Department.
...M. 23/7/-

Copy of letter from the Commissioner, Bellary Municipality, ...C.C.1. 1026/48 dated 26-2-48 to the Director of Public Instruction, Madras.

Sri P.N.Somasekhara Sastry, Senior Kanarese Pandit of the Municipal High School, Bellary attains the age of 55 years on 13-3-48 from which date he has to retire from service in the ordinary course. He is one of the teachers who have entered into agreements with the Council. A true copy of the said agreement is sent herewith for your perusal. Clause 8 of the agreement says that the said teacher may be retained in service upto the age of sixty years if he continues to be efficient and if certified by a competent authority of a rank not below that of a District Medical Officer to be physically fit to discharge the duties of his office. The teacher has in his petition dated 4-4-48(copy enclosed) requested his retention in service in view of his being still strong and energetic and capable of discharging his duties efficiently. The headmaster in his endorsement dated 4-7-48 has recommended his case for continuance as he is active and efficient and can discharge his duties to the maximum age limit of sixty years as contemplated in clause (8) of the agreement.

I request you to kindly let me know immediately whether the teacher can be continued in service as per the agreement in view of the fact that there is a great demand now for qualified and experienced hands in the department subject to the production of a medical certificate of fitness. A requisition to the District Medical Officer on behalf of the teacher is being issued.

Copy of petition dated 4-2-1948 from Sri P.M.Somasekhara Sastry, Senior Kanada Pandit, Municipal High School, Bellary to the Commissioner, Bellary Municipality.

I beg to submit the following few lines for favour of kind consideration and early orders.

In pursuance of G.O.No.5604 L & M dated 11-12-29 an agreement was entered into in August, 1931 between me and some other Teachers on this school on the one hand and the Bellary Municipal Council on the other. In G.O.No.Ms.4699 L & M dated 26-10-34 communicated by the Director of Public Instruction, Madras in his Proceedings D.Dis.4636/34 dated 1-11-34, this agreement has been deemed to have statutory force. Clause (8) of the agreement reads as follows:-

"That the said teacher shall ordinarily be required to retire from the service of the said schools at the age of fifty five years but shall be retained in service upto the age of sixty years, if he continues to be efficient and is certified by a competent authority of a rank not below than a District Medical Officer to be physically fit to discharge the duties of my office".

Now I shall be completing 55 years of age on 12-3-1948 as I was born on the 13th March, 1893. But I am quite strong and energetic and can discharge my duties to the entire satisfaction of the authorities.

I, therefore beg to request that a requisition may kindly be sent to the District Medical Officer, Bellary for examining me and issuing the necessary certificate.

I also pray that early orders may kindly be passed permitting my continuance in service after 12-3-1948.

True copy of the Agreement dated 29-10-1931:

AGREEMENTmade the Twenty nineth day of August One Thousand Nine Hundred and Thirty one between the MunicipalCouncil, Bellary of the one part and P.M.Somasekharaa Sastry of the other part.

Whereas the said Municipal Council Bellary, has agreed to gage the said P.M.Somasekhara Sastry to serve the Municipal High School at Bellary in the capacity of a teacher and at the salary hereinafter mentioned.

Now these presents witness and the parties do hereby mutually covenant contract and agree in manner following that is to say,

1. That the said Municipal Council, Bellary shall employ the said P.M.Soma Sekhara Sastry and the said P.M.Somasekhara Sastry shall serve the said Municipal Council, as a teacher in the Municipal High School, Bellary from the date of this agreement until such employment shall be determined as hereinafter provided.

2. That he said P.M.Somasekhara Sastry will employ himself honestly, efficiently and diligently under the orders and instructions of the Headmaster or Manager of the said school under whom he shall from time to time be placed as teacher with the said Municipal High School in which capacity he will discharge all such duties appertaining to that office and do all things which may be required of him or which are necessary to be done in his capacity as aforesaid and will make himself in other respects generally useful to the schoolas may be required of him.

3. That he will not on any pretence absent himself from duties without first having obtained the permission of his superior officers authorised onthis behalf or in case of sickness, or inevitable accident without forwarding a medical certificate satisfactory to the officers aforesaid as may be required by the

[illegible]
[illegible] Municipal [illegible]
G.C.T.No.2004 Education dated 30th April 1946.

Subject.

[illegible] - Municipal High School, [illegible] - Tri[illegible] Somasekaram
Gantry - Removal [illegible] - Retention in service [illegible] examination -
Orders granted.

Sir,

From the Director of Public Instruction, [illegible] dated the 23rd July 1948.

The Commissioner, Kalmunai Municipality, [illegible] Somasekaram Gantry, [illegible] 1st March 1948, has on [illegible] he attained 55 years [illegible] Commissioner (1), of the agreement entered into between the [illegible] Council [illegible] should be deemed [illegible] Kalmunai Municipality [illegible] G.C.No.2462 [illegible]. The retirement [illegible] 1st March 1948 was in contravention of rule 14 of [illegible] relating to establishment [illegible] Municipal Councils. The continuance [illegible] the date of [illegible] ion [illegible] be considered as one of [illegible].

2. The Commissioner, Kalmunai Municipality is requested to advert [illegible] for the service [illegible] qualified Tamil nurse [illegible] to dispense [illegible] services of [illegible] Somasekaram Gantry on [illegible] qualified hand [illegible]. If no such candidate is available, [illegible] to the Government [illegible] to the temporary appointment [illegible] subject to the [illegible] the [illegible] [illegible] qualified candidate [illegible] Government [illegible] specified [illegible] to the recommendation [illegible] existing bond [illegible] 1946-47 [illegible] qualified candidate [illegible].

(By order of His Excellency the Governor)

[illegible] Subramaniam,
Secretary to Government.

To the Commissioner, Kalmunai Municipality [illegible] the Chairman, Municipal Council, Kalmunai.
Copy to the Director of Public Instruction.

officers aforesaid as may be required by the leave rules of the said school.

That the leave rules of the said Municipal High School at Bellary shall be the Fundamental Rules and the Subsidiary Rules to the Madras Government in force for the time being.

4. That he will devote his whole time to the duties of the said employment and will not on his own account or otherwise carry on or be concerned in any trade or business whatsoever without first having obtaining the permission of his superior officers authorised on his behalf. Not part-ap. (Sanctioned Orissa Govt.)

5. That he will conform to all the rules and regulations in force in the said school inclusive of the provident fund rules as per G.O.No.1870 L & M dated 26-10-29 or any modification of the same hereinafter to be effect by the Local Government, and will obey all such lawful orders and directions as he shall from time to time receive from any authorised Officer of the said school.

6. That his agreement may be terminated only in accordance with the rules and regulations governing the other Municipal subordinates in such matters.

7. That if the said P.V.Soma Sekhara Sastry shall observe and comply with all the provisions of these presents there shall be paid to him for such time as he shall be in the service of the said school and actually perform his duties a salary of Rs. 52/- per mensem for the official year 1931-32 of his service which shall be increased each subsequent year of his service by Rs.four per mensem upto a maximum of Rs.60/- But that in the even of his temporary absence from duty by reason of sickness or leave or otherwise he shall be paid such salaries only as shall be determined by the rules in force in the ~~xxxx~~ said school.

Provided always that the teacher shall get the full salary or a proportionately reduced amount per month during the vacation according as he has worked for the full period July to March inclusive or a shorter period.

NOTE: This does not confer the right for vacation pay on teachers appointed in leave vacancies.

8. That the said teacher shall ordinarily be required to retire from the service of the said school at the age of fifty five years but may be retained in service upto the age of sixty years if he continues to be efficient and is certified by a competent authority, or a rank not below that of a District Medical Officer to be physically fit to discharge the duties of his office.

9. That it shall be lawful for the school authority at any time if satisfied on medical evidence that the said teacher is unfit for reasons of ill-health for the discharge of his duties as such teacher to determine his service under these presents on paying him three months's salary less any amount which may have been paid him as leave allowance after the date of his last appearance in this school for the regular discharge of his duties as teacher (the decision of the school authority as to the unfitness of the teacher being final and conclusive) and thereupon his service shall absolutely cease and determine.

In witness whereof P.V.Soma Sekhara Sastry and the Municipal Council, Bellary have hereunto set their hands the day and year first above written.

Sd. P.V.Somasekhara Sastry, 29-8-31
Sd. K.S.Vedantham, 29-8-31
Sd. K.Narayana Rao, Chairman, Municipal Council, 27-10-31.

(TRUE COPY)

Copy of letter C.1.1026-48 dated 1-4-48 of the Commissioner, Bell. Municipality to the Director of Public Instruction, Madras.

I enclose herewith a copy of C.R.No.739 dated 30-3-48 sanc ing the retention of the teacher Sri P.M.Somasekhara Sastry in th school after 13-3-48 as per agreement entered into with him.

I request you kindly, to issue very early orders in the Pending receipt of your orders, the teacher is being continued service.

Copy of the C.R.No.739 dated 30-3-1948.

Read letter RC.No.493 G.1 48 dated 13-3-48 of the Director Public Instruction, Madras asking for a copy of the resolution of the Council sanctioning the re-employment of Sri P.M.Somasekhara Sastry Kanarese Pandit, Municipal High School, Bellary.

2. Office note thereon requesting sanction of the Council for the retention of the individual after 13-3-48 as per caluse (8 of the agreement entered into with the teacher.

Res: Retention as per agreement sanctioned.

Sd./ M.Gangappa, 30-3-48
Chairman, Municipal Council
Bellary.

(TRUE COPIES)

for Director of Public Instruction.

29/5

EDUCATION AND PUBLIC HEALTH DEPARTMENT.
(B1).

ESTABLISHMENT - Municipal High School, Bellary - Sri P.M. Somasekhara Sastry - Kanarese Pandit - Retention in service after superannuation - Orders passed.

From the Director of Public Instruction, R.C.No.493-G of 1948 dated the 22nd July 1948.

ORDER No.NO. 2004 EDUCATION, dated 13 8 1948.

The Commissioner, Bellary Municipality, is informed that the retention in service of Sri P.M. Somasekhara Sastry, Kanarese Pandit, Municipal High School, Bellary, ~~from~~ after 13th March 1948, which he attained 55 years of age is irregular. ~~his superannuation upto sixty years of age according~~ to Clause (8) of the agreement entered into between the pandit and the muncipal council in 1931 should be deemed to have ceased to be in force after the issue of statutory rules. ~~to be~~ in contravention of rule 14 of the Rules relating to Establishments under Municipal Councils, ~~as these agreements such~~ the one referred to above cannot be in force after the issue of statutory rules in respect of officers and servants under local bodies in G.O.No. 2432 M.S.G. dated the 2nd June 1948. The Commissioner is therefore ~~the~~ continuance of the pandit after the date superannuation should be considered as one of reemploym

2. The Commissioner ~~is therefore requested~~ Bellary Municipality is requested
to advertise immediately for the services of a qualified Kanarese Pan
~~rected to dispense with the services of the pandit~~
and to dispense with the services of Sri P.M. Somasekhara Sastrygal soon
~~mediately and to apply to Government for ratification~~
qualified hand is available. If no such candidate is available,
~~his action in having retained the pandit in service~~ he may apply
to the Govt for sanction to the reemployment of the existing Pandi
~~yond the date of his retirement and to address~~ He is also from 1.3.48
up to the end of the current School year - If a qualified hand is availa
~~rected to address Government for the sanction of his~~
~~employment for the current school year only if no~~ and is appointe
in due course
he may address Govt for sanction to the reemployment of the existing
~~alified candidates are available for employment even~~
Pandit from 1.3.48 upto the date on which he is relieved by a
~~ter advertising~~ the vacancy which has not been done qualified Candi